

PATENT

Serial No. 09/746,045

Amendment in Reply to Office Action mailed on December 6, 2005

REMARKS

Reconsideration of the present application in view of the following remarks is respectfully requested.

In the Office Action, claims 1-7 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 6,677,987 (Girod) in view of U.S. Patent No. 5,661,505 (Livits). Further, claims 8-9 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Girod and Livits in view of U.S. Patent No. 6,346,933 (Lin). Claim 10 is rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Girod and Livits in view of U.S. Patent No. 6,424,335 (Kim). Claims 11-16 and 22 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Girod and Livits in view of U.S. Patent No. 5,175,601 (Fitts). Claims 17-21 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Girod and Livits in view of U.S. Patent No. 6,188,388 (Arita). Claim 23 is rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 5,973,672 (Rice) in view of Girod and Livits. Claims 24-26 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Rice and Girod and Livits in view of

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Kim. Claim 27 is rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Rice, Kim, Girod and Livits in view of Fitts. Claim 28 is rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Girod in view of U.S. Patent No. 5,746,261 (Bowling) and Livits. Finally, Claim 29 is rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Girod in view of U.S. Patent Application Publication No. 2001/0056477 A1 (McTernan) and Livits.

It is respectfully submitted that claims 1-29 are patentable over Girod, Livits, Lin, Kim, Fitts, Arita, Rice, Bowling and McTernan for at least the following reasons.

In rejecting independent claims 1, 23 and 28-29 on pages 3, 10, 13 and 15 of the Office Action, the Examiner correctly noted that Girod, alone or in combination with Rice, Bowling or McTernan does not teach or suggest the present invention as recited in independent claim 1, and similarly recited in independent claims 23 and 28-29 which, amongst other patentable features, requires:

wherein the control unit detects the position of the hand-held device relative to a position of a user of the movable hand-held device in at least two-dimensions from the image data from the at least one light detector and

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translates the position to control a feature on a display, wherein a change of said feature corresponds to a movement of the movable hand-held device relative to the user. (Emphasis added)

Column 3, lines 18-23 of Livits is cited in an attempt to remedy this deficiency in Girod, Rice, Bowling and McTernan. In particular, column 3, lines 18-23 of Livits recites:

In order to achieve the above objects, as well as others which will become apparent hereafter, a single-hand controlled input device comprises a movable housing having remote and proximate positions relative to the position of the user of the input device. (Emphasis added)

It is respectfully submitted that the above-noted section of Livits reciting "relative to the position of the user of the input device" has nothing to do with a feature on a display as recited in independent claims 1, 23 and 28-29, which specifically recite that the feature is a feature on a display. Moreover, Livits is completely silent about any display.

Further, in the above-noted section of Livits, the relation of the user position is regarding the Livits movable housing. In particular, the Livits movable housing has two positions, the first position is remote from the user, and the second position of the

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Livits movable housing is proximate to the user. Such positions relative to the user are regarding the two housing positions and are unrelated to any feature, let alone a feature on a display.

The above-noted section of Livits merely discloses a movable housing having a first or proximate position which is near the user, and a second or remote position which is far from the user.

In summary, the noted section of Livits merely discloses that a movable housing has two positions, one proximate and one remote from the user. Thus, it is respectfully submitted that Girod Rice, Bowling, McTernan and Livits, alone or in combination do not teach or suggest that a change of feature on a display corresponds to a movement of the movable hand-held device relative to the user, as recited in independent claims 1, 23 and 28-29.

Lin, Kim, Fitts and Arita are cited in rejecting other claims to allegedly show other features and do not remedy the deficiencies in Girod Rice, Bowling, McTernan and Livits

Accordingly, it is respectfully requested that independent claims 1, 23 and 28-29 be allowed. In addition, as claims 2-22 and 24-27 depend from independent claims 1 and 23, Applicants respectfully request that claims 2-22 and 24-27 also be allowed.

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In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded. And in particular, no official notices are conceded.

It is believed that no additional fees or charges are currently due. However, in the event that any additional fees or charges are required for entrance of the accompanying amendment, they may be charged to Applicants' representatives Deposit Account No. 50-3649. In addition, please credit any overpayments related to any fees paid in connection with the accompanying amendment to Deposit Account No. 50-3649.

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In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Please direct all future correspondence related to this application to: PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
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